



Entered on Docket  
May 21, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO PROOF OF CLAIM  
OF NEWBY 1984 FAMILY TRUST  
DATED 3/19/84 AS FILED PARTIALLY  
IN WRONG DEBTOR'S CASE;  
OBJECTION OF DTFD TO PROPOSED  
ALLOWANCE OF CLAIM**

Hearing Date: April 30, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of USACM Trust to Proof of Claim of  
2 Newby 1984 Family Trust Dated 3/19/84 As Filed Partially in Wrong Debtor’s Case;  
3 Objection of DTDF to Proposed Allowance of Claim” [Docket No. 6961] (the  
4 “Objection”); with appropriate notice of the Objection having been given; with no  
5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection to proof of claim No. 10725-02487 filed by Newby 1984  
8 Family Trust Dated 3/19/84 (“Newby”) is sustained;

9 2. \$144,000 of Newby’s \$345,000.00 claim against USACM is disallowed;

10 3. Any proposed allowance of Newby’s claim in the DTDF case is disallowed;

11 4. Newby is allowed to retain an equity interest in DTDF in the amount of  
12 \$144,141.97 as reflected in the books and records of DTDF as of April 13, 2006; and

13 5. Nothing in this order should prejudice the rights of USACM Trust to file  
14 further objections to any portion of the claim.

15  
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (018024)

19 Rob Charles  
20 John Hinderaker  
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25 *Attorneys for USACM Liquidating Trust*  
26

1 APPROVED/DISAPPROVED

2  
3 By: \_\_\_\_\_  
4 August Landis  
5 Assistant United States Trustee

6 APPROVED/DISAPPROVED

7  
8 By: /s/ Claire Dossier  
9 Claire Dossier  
10 SNELL & WILMER, LLP  
11 Attorneys for USA Capital Diversified Trust Deed Fund  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: Claire Dossier	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker  
*Attorneys for USACM Liquidating Trust*